

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARLENE LEWIS,

Plaintiff,

Case No. 15-10963

v.

HONORABLE AVERN COHN

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 23)
AND
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (Doc. 20)
AND DISMISSING CASE**

This is a social security case. Plaintiff Darlene Lewis (Lewis) appeals from the final determination of the Commissioner of Social Security (Commissioner) that she is not disabled and therefore not entitled to disability insurance benefits. The matter was referred to a magistrate judge for all pretrial proceedings. See Doc. 2. The Commissioner filed a motion for summary judgment. (Doc. 20) The magistrate judge issued a report and recommendation (MJRR) recommending that the Commissioner's motion be granted and the case dismissed. (Doc. 23)¹

¹As the magistrate judge noted, Lewis was initially represented by counsel when the complaint was filed. However, her counsel was subsequently terminated from this and other Social Security cases for malfeasance. Lewis then became pro se and was invited to file a motion for summary judgment; she did not. Lewis also did not file a response to the Commissioner's motion for summary judgment. Due to conflicting authority for dismissing a Social Security case where a pro se plaintiff does not respond to a motion for summary judgment, the magistrate judge wisely conducted an independent review of the record and determined that substantial evidence supports the

Neither party has filed objections to the MJRR and the time for filing objections has passed. The failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir.1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985).

Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. The Commissioner's motion for summary judgment is GRANTED. This case is DISMISSED.

SO ORDERED.

Dated: March 7, 2017
Detroit, Michigan

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Commissioner's decision denying benefits.